

SENATE BILL 61

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2004 Regular Session
4r0014

(PRE-FILED)

By: **Chairman, Education, Health, and Environmental Affairs Committee**
(By Request - Departmental - Natural Resources)

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources - Vessel Operation - Regulations**

3 FOR the purpose of requiring the Department of Natural Resources to adopt
4 regulations relating to the operation of vessels so that each vessel of a type or
5 size may be operated with equal freedom or under similar circumstances as
6 other vessels of that type or size; and generally relating to the adoption of
7 regulations relating to the operation of vessels.

8 BY repealing and reenacting, with amendments,
9 Article - Natural Resources
10 Section 8-704
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Natural Resources**

16 8-704.

17 (a) The Department may adopt regulations necessary to carry out the
18 provisions of this subtitle.

19 (b) In order to protect the public safety, welfare, and recreational interests in
20 waters of the State, the Department may adopt a program relating to the placement
21 of buoys, mooring buoys, and other apparatus used to secure, berth, or moor vessels in
22 the waters of the State. The Department shall consult with any county affected by the
23 program.

24 (b-1) The Department shall adopt regulations governing the following:

25 (1) The numbering of vessels for identification, safety equipment on
26 vessels, and operations of any vessels subject to this subtitle so that each vessel OF A

1 TYPE OR SIZE complying with the regulations may be operated with equal freedom or
2 under similar requirements AS OTHER VESSELS OF THAT TYPE OR SIZE on all waters
3 of the State. The numbering system used shall conform to the one adopted by the
4 federal government. These regulations may not conflict with any federal law or
5 regulation applicable to vessels on the waters in the State;

6 (2) The issuance of certificates of title and certificates of boat number;

7 (3) Instructions for making reports and handling personnel and boats in
8 case of accidents;

9 (4) Abandonment, destruction, theft, recovery, sale, or transfer of
10 ownership;

11 (5) Change of address of owner;

12 (6) Use of boats from other jurisdictions on the waters of the State;

13 (7) Issuance of certificates of number for boats changing their state of
14 principal use to Maryland;

15 (8) Cooperation with local governments and the federal authority for
16 special events or to meet emergency situations; and

17 (9) Issuance of certificates of number to owners of fleets or boats for hire
18 or rent.

19 (b-2) (1) The Department shall adopt regulations prohibiting the operation of
20 personal watercraft above idle speed in any area of water with a depth of less than 18
21 inches.

22 (2) Except as provided in paragraph (1) of this subsection, the
23 Department may adopt regulations limiting the use of personal watercraft in any
24 area of water with a depth of less than 1 meter.

25 (c) Department regulations do not become effective unless advertised publicly
26 in at least 2 daily newspapers of general circulation and at least 1 weekly newspaper
27 serving the area or areas involved at least 45 days before the effective date. If 50
28 citizens of the State file a petition with the Department at least 15 days prior to the
29 effective date, the Department shall conduct a public hearing on the proposed
30 regulations.

31 (d) A municipality or other local authority may not establish any regulation of
32 a local nature which does not conform with the Department's regulations.

33 (e) On any proposed regulation affecting the equipment or operation of any
34 vessel subject to this subtitle, the Secretary shall solicit the advice and opinions of
35 officials of representative boating associations, yacht clubs, and local, State, or federal
36 governments or officials, having knowledge or experience with the subject matter of

1 the proposed regulations. These representatives and officials serve as an advisory
2 committee appointed by the Secretary to review the proposed regulations.

3 (f) The Department, with the endorsement of the Secretary of Natural
4 Resources and the Secretary of the Environment, after a public hearing following 60
5 days' notice, shall adopt and publish sound level limits governing the noise generated
6 by the operation of pleasure craft on the waters of the State. The sound level limits
7 shall be established at the most restrictive level consistent with the environmental
8 noise standards adopted by the Department of the Environment which is achievable
9 through the application of the best available technology and at a reasonable cost. The
10 Department shall adopt regulations for the administration and enforcement of the
11 sound level limits, taking into account accepted scientific and professional methods
12 for measurement of sound levels.

13 (g) The Department shall adopt regulations to prohibit a person from:

14 (1) Operating an unauthorized vessel over a power boat race course; or

15 (2) Swimming across a boundary of a power boat race course.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
17 effect October 1, 2004.